



*All About Florida*

RODNEY J. LONG  
PRESIDENT  
ALACHUA

ILENE LIEBERMAN  
PRESIDENT ELECT  
BROWARD

DOUG SMITH  
FIRST VICE PRESIDENT  
MARTIN

BILL WILLIAMS  
SECOND VICE PRESIDENT  
GULF

SUSAN LATVALA  
IMMEDIATE PAST PRESIDENT  
PINELLAS

CHRISTOPHER L. HOLLEY  
EXECUTIVE DIRECTOR

## Collective Bargaining & Resolution of Impasses SB 610 & HB 417

### Issue

To clarify a conflicting statutory definition which determines which governmental agency is the legislative body as stated in Ch. 447, F.S., for purposes of resolving collective bargaining impasses between the public employee unions of the Constitutional Officer and the Constitutional Officer.

### Key Points

- Chapter 447 was written before the Florida Supreme Court decision allowing Constitutional Officers/Sheriffs could unionize, and it was not anticipated at the time that there would be a need to resolve collective bargaining impasse issues in Constitutional /Sheriffs Offices. Consequently, the statute is in conflict with itself as to which entity is responsible for resolving collective bargaining impasses.
- The constitutional officers/Sheriffs argue that they are in the best position to make decisions for their employees, since that constitutional officer makes the policies for those employees, and is held accountable to the electorate for those employees
- The issue arises out of conflict in Pasco County with Fraternal Order of Police (FOP) and the Pasco County Sheriff's Office. The Sheriff alleges that he is the legislative body for purposes of resolving impasse issues between the deputies and the Sheriff. The PERC decision delivered May 22, 2009, states that the County Commission is the appropriate legislative body to resolve the disputed issues. This decision will be appealed at the First District Court of Appeals.
- The Pasco/PERC decision points out that the statute is unclear because Board of County Commissioners cannot establish policies governing the Sheriff's employees, and the Sheriff does not have the authority to appropriate funds. Therefore, neither the Board of County Commissioners, nor the Sheriff, meets the statutory definition of "legislative body".
- This PERC decision expands the responsibilities of County Commissioners by requiring the Board to be the ultimate decision maker on unresolved disputes between the Sheriff and his or her employees' union, placing the Board in a highly controversial position.

**80**  
YEARS  
1929-2009

## **Background**

- In Florida, certain public employees are able to negotiate the terms and conditions of employment with their employer. When these public employees join together they often form unions and this negotiation process is known as collective bargaining.
- When unions and employers cannot reach a common agreement through the collective bargaining process, they reach an impasse.
- There is a process established in 447.403, F.S. on how to resolve impasses between a public employer and the bargaining agent. Once the process has been exhausted the issue then goes before the legislative body as defined in 447.203, F.S.
- 447.203, F.S. says that the legislative body must 1) have the authority to appropriate funds and 2) establish policy governing the terms and conditions of employment.